

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION  
EASTERN

CIVIL ACTION NO. 2005 DEC 19 A 11: 59 3:05cv1210-F

BOBBY L. MITCHELL,

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

Plaintiff

v.

DEMAND FOR JURY TRIAL

DEBBIE A. SWEET,

Defendant

COMPLAINT

1. Plaintiff Bobby L. Mitchell is an adult resident citizen of the state of Florida and is over the age of 19 years.

2. Defendant Debbie A. Sweet is an individual over the age of nineteen years, and is a resident citizen of Opelika, Lee County, Alabama.

3. The collision and injuries which are the basis of Plaintiff's claims occurred in Tallapoosa County, Alabama.

Count I

1. On October 13, on U.S. Highway 280 in Tallapoosa County, Alabama, the Plaintiff Bobby L. Mitchell was injured when a vehicle operated by the defendant, Debbie A. Sweet failed to yield the right of way to the plaintiff, Bobby L. Mitchell. The defendant, Sweet, drove his vehicle from an intersecting road into the path of travel of the plaintiff's vehicle, resulting in a collision between the two vehicles.

2. The defendant, Sweet, wantonly operated the vehicle by failing to yield the right of way and pulling into the lane of travel of Plaintiff Mitchell, when

Mitchell's vehicle was clearly visible, causing the collision between the two vehicles

3. Said defendant's wanton conduct was the proximate cause of injury to the plaintiffs.
4. As a result of the wanton conduct of the above-described defendant, the plaintiff, Mitchell, was injured as follows:

- a. He suffered, and continues to suffer, severe physical pain and mental anguish;
- b. He incurred and continues to incur, expenses for doctors, hospitals, physical therapy, prescription drugs to treat and cure his injuries;
- c. He was permanently injured;
- d. He was caused to be unable, and continues to be unable, to participate in many of his normal and usual activities.
- e. Plaintiff's vehicle was damaged, resulting in the loss of use and value of said vehicle.

WHEREFORE, plaintiff demands judgment against the defendants in an amount to be determined by a jury, together with interest from the date of injury and the costs of this proceeding.

### **Count II**


5. Plaintiff adopts and realleges each and every allegation of the foregoing Count(s) as if fully set out herein.

6. On October 13, 2005, on Highway 280 in Tallapoosa County, Alabama, the Plaintiff Bobby L. Mitchell was injured when a vehicle operated by the defendant, Sweet, failed to yield the right of way for the vehicle being operated by the plaintiff, Bobby Mitchell. The defendant, Sweet, drove a vehicle from an intersecting road into the path of travel of the vehicle being operated by Plaintiff Bobby Mitchell, resulting in a collision between the vehicle driven by Defendant Sweet and the vehicle driven by Plaintiff, Bobby Mitchell.
7. The defendant, Sweet, negligently operated the vehicle by failing to yield the right of way and pulling into the lane of travel of Plaintiff Mitchell, when Mitchell's vehicle was clearly visible, causing the collision between the two vehicles.
8. Said defendant's negligent conduct was the proximate cause of injury to the plaintiff.
9. As a result of the wanton conduct of the above-described defendant, the plaintiff, Bobby Mitchell, was injured as follows:
  - a. He suffered, and continues to suffer, severe physical pain and mental anguish;
  - b. He incurred and continues to incur, expenses for doctors, hospitals, physical therapy, prescription drugs to treat and cure his injuries;
  - c. He was permanently injured;

d. He was caused to be unable, and continues to be unable, to participate in many of his normal and usual activities.

e. Plaintiff's vehicle was damaged, resulting in the loss of use and value of said vehicle.

WHEREFORE, plaintiff demands judgment against the defendants in an amount to be determined by a jury, together with interest from the date of injury and the costs of this proceeding.




ROGER L. LUCAS  
Attorney for the Plaintiff

**OF COUNSEL:**  
**LUCAS, WASH, PETWAY,**  
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**JURY DEMAND**

PLAINTIFF DEMANDS A STRUCK JURY FOR THE TRIAL OF THIS CAUSE.



Of Counsel

**SERVE DEFENDANT**  
**BY CERTIFIED MAIL:**

Debbie A. Sweet  
1005 Fitzpatrick Avenue  
Opelika, AL 36801